

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 185

AN ACT

To repeal sections 36.050, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, 288.220, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, and 291.150, RSMo, and to enact in lieu thereof ten new sections relating to repealing provisions of law regulating industrial inspections.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 36.050, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, 288.220, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, and 291.150, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, to read as follows:

36.100. 1. The director shall ascertain the duties, authority and responsibilities of all positions subject to this chapter pursuant to subsection 1 of section 36.030, and all positions subject to this section pursuant to section 36.031. After consultation with the appointing authorities, the director shall prepare [and recommend to the board], and maintain on a continuing basis, a position classification plan, which shall group all positions subject to this chapter pursuant to subsection 1 of section 36.030, and all positions subject to this section pursuant to section 36.031 in classes, based on their duties, authority and responsibilities. Except as provided in subsection 2 of this section, the position classification plan shall set

forth, for each class of positions, a class title and a statement of the duties, authority and responsibilities thereof, and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class; provided, that no plan shall be adopted which prohibits the substitution of experience for education for each class of positions, except that, the [board] director may determine that there is no equivalent substitution in particular cases. Classifications should be sufficiently broad in scope to include as many comparable positions as possible both on an intra- and inter-departmental basis.

2. The classification plan may group positions with similar levels of responsibility or expertise into broad classification bands.

3. The director shall, in consultation with the agencies, eliminate and combine classes when possible, taking into consideration the recruitment, selection, and compensation of personnel in the various classes.

36.120. 1. Before establishing a new position in divisions of the service subject to this chapter pursuant to subsection 1 of section 36.030 or any new position in a department or agency of the executive branch of state government subject to this section pursuant to section 36.031, or before making any permanent and substantial change of the duties, authority or responsibilities of any such position, an appointing authority shall notify the director in writing of the appointing authority's intention to do so, except where the positions may be allocated by the appointing authority.

2. The director may at any time allocate any new position to a class, or change the allocation of any position to a class, or [recommend to the board] make changes in the classification plan. [Any change in the

classification plan recommended by the director shall take effect when approved by the board, or on the ninetieth day after it is recommended to the board if prior thereto the board has not approved it. In case of necessity requiring the immediate establishment of a new class, the director may establish such a class on an interim basis pending approval of the class by the board as recommended by the director.】

3. When the allocation of a position to a class is changed, the director shall notify the appointing authority. If allocation authority is delegated, the appointing authority shall notify the director of any changes in the allocation. If the position is filled at the time of reallocation to a class, the appointing authority shall immediately notify the incumbent of the position regarding the allocation change. If the incumbent does not agree with the new allocation, the incumbent may submit to the director a request for a review of the allocation of the position.

4. If any change is made in the classification plan by which a class of positions is divided, altered, or abolished, or classes are combined, the director shall forthwith reallocate the positions affected to their appropriate classes in the amended classification plan. An employee who is occupying a position reallocated to a different class shall, subject to the regulations, be given the same status in the new class as previously held in the class from which his or her position is reallocated.

5. 【After a class of positions has been approved by the board,】 The director is authorized to make such changes in the class title or in the statement of duties and qualifications for 【the】 a new class as the director finds necessary for current maintenance of the classification plan【; provided, however, that changes which materially

affect the nature and level of a class or which involve a change in salary range for the class shall be approved by the board].

36.140. 1. After consultation with appointing authorities and the state fiscal officers, and after a public hearing following suitable notice, the director shall prepare [and recommend to the board] a pay plan for each class of positions subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section 36.031. The pay plan shall include, for each class of positions, a minimum and a maximum rate, and such provision for intermediate rates as the director considers necessary or equitable. The pay plan may also provide for the use of open, or stepless, pay ranges. The pay plan may include provision for grouping of positions with similar levels of responsibility or expertise into broad classification bands for purposes of determining compensation and for such salary differentials and other pay structures as the director considers necessary or equitable. In establishing the rates, the director shall give consideration to the experience in recruiting for positions in the state service, the rates of pay prevailing in the state for the services performed, and for comparable services in public and private employment, living costs, maintenance, or other benefits received by employees, and the financial condition and policies of the state. These considerations shall be made on a statewide basis and shall not make any distinction based on geographical areas or urban and rural conditions. The pay plan shall take effect when approved by [the board and] the governor, and each employee appointed to a position subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section

36.031, after the adoption of the pay plan shall be paid according to the provisions of the pay plan for the position in which he or she is employed; provided, that the commissioner of administration certifies that there are funds appropriated and available to pay the adopted pay plan. The pay plan shall also be used as the basis for preparing budget estimates for submission to the legislature insofar as such budget estimates concern payment for services performed in positions subject to this chapter pursuant to subsection 1 of section 36.030 and positions subject to this section pursuant to section 36.031.

Amendments to the pay plan may be recommended by the director from time to time as circumstances require and such amendments shall take effect when approved as provided by this section. The conditions under which employees may be appointed at a rate above the minimum provided for the class, or advance from one rate to another within the rates applicable to their positions, may be determined by the regulations.

2. Any change in the pay plan shall be made on a uniform statewide basis. No employee in a position subject to this chapter shall receive more or less compensation than another employee solely because of the geographical area in which the employee lives or works.

36.250. 1. Every person appointed to a permanent position described under subdivision (2) of subsection 1 of section 36.030 shall be required to successfully complete a working test during a probationary period which shall be of sufficient length to enable the appointing authority to observe the employee's ability to perform the various duties pertaining to the position.

2. The **[board]** director shall by regulation establish the standards governing normal length of the probationary

period for different classes of positions. The regulations shall specify the criteria for reducing or lengthening the probationary period for individuals within the various classes. The minimum probationary period shall be three months. The maximum probationary period shall be eighteen months for top professional personnel and personnel with substantial supervisory or administrative responsibilities, and twelve months for all others. However, a probationary period shall not be required for an employee reinstated within two years after layoff or demotion in lieu of layoff by the same division of service.

3. Prior to the expiration of an employee's probationary period, the appointing authority shall notify the director and the employee in writing whether the services of the employee have been satisfactory and whether the appointing authority will continue the employee in the employee's position.

4. At any time during the probationary period the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. Upon removal, the appointing authority shall forthwith report to the director and to the employee removed, in writing, the appointing authority's action and the reason thereof. An employee who is found by the director to have been appointed through fraud shall be removed within ten days of notification of the appointing authority.

36.440. 1. All officers and employees of the state subject to provisions of this chapter, whether pursuant to subsection 1 of section 36.030 or pursuant to section 36.031, shall comply with and aid in all proper ways in carrying out the provisions of this chapter applicable to

them and the regulations adopted thereunder. All officers and employees shall furnish any records or information which the director [or the board] may request for any purpose of this law.

2. A state officer or employee who shall fail to comply with any provision of this chapter or of any regulation adopted thereunder that is applicable to such person shall be subject to all penalties and remedies now or hereafter provided by law for the failure of a public officer or employee to do any act required of him or her by this chapter. The director may maintain such action or proceeding at law or in equity as he or she considers necessary or appropriate to secure compliance with this chapter and the regulations adopted thereunder.

36.510. 1. In addition to other duties specified elsewhere in this chapter the director may perform the following functions in some or all agencies of state government:

(1) Develop, initiate and implement a central training program for personnel in agencies of state government and encourage and assist in the development of such specialized training activities as can best be administered internally by such individual agencies;

(2) Establish a management trainee program and prescribe rules for the establishment of a career executive service for the state;

(3) [Formulate for approval of the board] Promulgate regulations regarding mandatory training for persons employed in management positions in state agencies;

(4) Institute, coordinate and direct a statewide program for recruitment of personnel in cooperation with appointing authorities in state agencies;

(5) Assist all state departments in setting productivity goals and in implementing a standard system of performance appraisals;

(6) Establish and direct a central labor relations function for the state which shall coordinate labor relations activities in individual state agencies, including participation in negotiations and approval of agreements relating to uniform wages, benefits and those aspects of employment which have fiscal impact on the state; and

(7) **Formulate** Promulgate rules **for approval of the board** and establish procedures and standards relating to position classification and compensation of employees which are designed to secure essential uniformity and comparability among state agencies.

2. Any person who is employed in a position subject to this chapter who engaged in a strike or labor stoppage shall be subject to the penalties provided by law.

37.010. 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of administration, who shall head the "Office of Administration" which is hereby created. The commissioner of administration shall receive a salary as provided by law and shall also receive his or her actual and necessary expenses incurred in the discharge of his or her official duties. Before taking office, the commissioner of administration shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean himself or herself faithfully in office. The commissioner shall also deposit with the governor a bond, with sureties to be approved by the governor, in the amount to be determined by the governor payable to the state of Missouri, conditioned on the faithful performance of the duties of his or her office.



The premium of this bond shall be paid out of the appropriation for the office of the governor.

2. The governor shall appoint the commissioner of administration with the advice and consent of the senate. The commissioner shall be at least thirty years of age and must have been a resident and qualified voter of this state for the five years next preceding his or her appointment. He or she shall be qualified by training and experience to assume the managerial and administrative functions of the office of commissioner of administration.

3. The commissioner of administration shall, by virtue of his or her office, without additional compensation, head the division of budget, the division of purchasing, the division of facilities management, design and construction, the division of personnel, and the information technology services division. Whenever provisions of the constitution grant powers, impose duties or make other reference to the comptroller, they shall be construed as referring to the commissioner of administration.

4. The commissioner of administration shall provide the governor with such assistance in the supervision of the executive branch of state government as the governor requires and shall perform such other duties as are assigned to him or her by the governor or by law. The commissioner of administration shall work with other departments of the executive branch of state government to promote economy, efficiency and improved service in the transaction of state business. The commissioner of administration, with the approval of the governor, shall organize the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office. He or she may consolidate, abolish, or reassign duties of positions or divisions combined within the office of administration[ ,

except for the division of personnel]. He or she may delegate specific duties to subordinates. These subordinates shall take the same oath as the commissioner and shall be covered by the bond of the director or by separate bond as required by the governor.

5. [The personnel division, personnel director and personnel advisory board as provided in chapter 36 shall be in the office of administration.] The personnel director and employees of the personnel division shall perform such duties as directed by the commissioner of administration for personnel work in agencies and departments of state government to upgrade state employment and to improve the uniform quality of state employment.

6. The commissioner of administration shall prepare a complete inventory of all real estate, buildings and facilities of state government and an analysis of their utilization. Each year he or she shall formulate and submit to the governor a long-range plan for the ensuing five years for the repair, construction and rehabilitation of all state properties. The plan shall set forth the projects proposed to be authorized in each of the five years with each project ranked in the order of urgency of need from the standpoint of the state as a whole and shall be upgraded each year. Project proposals shall be accompanied by workload and utilization information explaining the need and purpose of each. Departments shall submit recommendations for capital improvement projects and other information in such form and at such times as required by the commissioner of administration to enable him or her to prepare the long-range plan. The commissioner of administration shall prepare the long-range plan together with analysis of financing available and suggestions for further financing for approval of the governor who shall submit it to the

general assembly. The long-range plan shall include credible estimates for operating purposes as well as capital outlay and shall include program data to justify need for the expenditures included. The long-range plan shall be extended, revised and resubmitted in the same manner to accompany each executive budget. The appropriate recommendations for the period for which appropriations are to be made shall be incorporated in the executive budget for that period together with recommendations for financing. Each revised long-range plan shall provide a report on progress in the repair, construction and rehabilitation of state properties and of the operating purposes program for the preceding fiscal period in terms of expenditures and meeting program goals.

7. The office of the commissioner of administration shall be in Jefferson City.

8. In case of death, resignation, removal from office or vacancy from any cause in the office of commissioner of administration, the governor shall take charge of the office and superintend the business thereof until a successor is appointed, commissioned and qualified.

105.950. 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members

of the parole board shall be set by the personnel [advisory board] director after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

105.1114. Administrative procedures for the implementation of sections 105.1100 to 105.1116 shall be promulgated by the [state] personnel [advisory board] director for those employees classified under the state personnel law and by other public employers for those employees under their management and control. No rule or portion of a rule promulgated under the authority of sections 105.1100 to 105.1116 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

288.220. 1. Subject to the supervision of the director of the department of labor and industrial relations, the division of employment security of the department of labor and industrial relations shall be under the control, management and supervision of a director who shall be appointed by the governor, by and with the advice and consent of the senate. The director shall serve at the pleasure of the governor.

2. The division shall be responsible for administering the Missouri state unemployment insurance operation and any other operations as are necessary to administer the state's employment security law.

3. The central office of the division shall be maintained in the City of Jefferson.

4. Subject to the supervision and approval of the director of the department of labor and industrial relations, it shall be the duty of the director to administer this law; and the director shall have power and authority to adopt, amend, or rescind any regulations as the director deems necessary to the efficient internal management of the division. The director shall determine the division's organization and methods of procedure. Subject to the provisions of the state [merit system] personnel law, chapter 36, the director shall employ and prescribe the duties and powers of the persons as may be necessary. The director shall collaborate with the personnel director [and the personnel advisory board] in establishing for employees of the division salaries comparable to the salaries paid by other states of a similar size and volume of operations to employees engaged in the administration of the employment security programs of those states. The director may delegate to any such person the power and authority as the director deems reasonable and proper for the effective administration of the law, and may in the director's discretion bond any person handling moneys or signing checks. Further, the director shall have the power to make expenditures, require reports, make investigations and take other action not inconsistent with this law as he or she considers necessary to the efficient and proper administration of the law.

5. Subject to the approval of the director of the department of labor and industrial relations and the commission, the director shall adopt, amend or rescind the rules and regulations as are necessary to implement any of the provisions of this law not relating to the internal management of the division; however, the rules and regulations shall not become effective until ten days after

their approval by the commission and copies thereof have been filed in the office of the secretary of state.

[36.050. 1. The personnel advisory board and its functions, duties and powers prescribed in this chapter is transferred by type III transfer to the office of administration.

2. The personnel advisory board shall consist of seven members. Four members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two members shall be employees of state agencies subject to this chapter pursuant to subsection 1 of section 36.030 or any department, agency, or position of the executive branch of state government not exempted from section 36.031, one a member of executive management, and one a nonmanagement employee. The state equal employment opportunity officer shall be a member of the board. No member of the board, during the member's term of office, or for at least one year prior thereto, shall be a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, a partisan public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position.

3. The members of the board shall be appointed by the governor by and with the advice and consent of the senate. Appointments of all members shall be for terms of six years. Any vacancy shall be filled by an appointment for the unexpired term. Each member of the board shall hold office until such member's successor is appointed and qualified.

4. A member of the board is removable by the governor only for just cause, after being given a written notice setting forth in substantial detail the charges against the member and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

5. Each public member of the board shall be paid an amount for each day devoted to the work of the board which shall be determined by the commissioner of administration and filed with the reorganization plan of the office of administration; provided, however, that such amount shall not exceed that paid to members of boards and commissions with comparable responsibilities. All board members are

entitled to reimbursement for necessary travel and other expenses pertaining to the duties of the board. Duties performed for the board by any employee member of the board shall be considered duties in connection with the appointment of the individual, and such employee member shall suffer no loss of regular compensation by reason of performance of such duties.

6. The board shall elect from among its membership a chairman and vice chairman, who shall act as chairman in the chairman's absence. It shall meet at the times and places specified by call of the chairman, the governor, or the director. At least one meeting shall be held every three months. All regular meetings are open to the public. Notice of each meeting shall be given in writing to each member by the director. Four members shall constitute a quorum for the transaction of official business.

7. To assist in the performance of its duties the board may employ staff from funds appropriated for this purpose; provided, however, that this provision shall not be interpreted to limit the ability of the personnel director to provide assistance to the board.]

[291.010. Before the director of the inspection section shall enter upon the duties of his office, he shall give a good and sufficient bond to the state of Missouri in the penal sum of twenty thousand dollars, to be approved by the attorney general as to form, and by the governor as to sufficiency, conditioned upon the faithful performance of the duties of his office, and that he will render an honest and accurate accounting of all funds which may come into his hands through the performance of his official duties, and said director shall be held liable on his official bond for any defalcations of any of his deputies, agents, assistants or other employees.]

[291.020. The principal office of the section shall be kept and maintained in Jefferson City, Missouri. In addition to the principal office in Jefferson City there shall be kept and maintained one branch office in the city of St. Louis, Missouri, and one branch office in Kansas City, Missouri, located in such quarters as may be designated by the director with the approval of the secretary of the labor and industrial relations commission of Missouri. Each of such branch offices shall be in charge of an assistant director of the inspection section and each such assistant director shall be empowered to do and perform in the name of the director any act which the director himself might perform, subject however

to the supervision and approval of said director of the inspection section.】

【291.030. 1. Subject to the provisions of the merit system law, chapter 36, the director of the department of labor and industrial relations shall employ and prescribe the duties and powers of such persons as may be required and may make expenditures within the appropriation therefor as may be necessary to carry out the purposes of the law.】

2. Any person employed by the inspection section more than six months prior to August 13, 1972, shall be admitted to the qualifying examination covering the position held by him and may be retained at the discretion of the director provided that he attains a passing grade in such examination. Any employee appointed within six months prior to August 13, 1972, and any employee appointed from and after August 13, 1972, shall be appointed subject to the merit system law.】

【291.040. The salaries and compensation of the subordinate officials and employees provided for in section 291.030, shall be paid in like manner and from the same source as the salary of the director of the inspection section, upon vouchers approved by the director. The salaries and compensation shall be as follows: Assistant director of the inspection section, not exceeding six thousand six hundred dollars per annum each; chief clerk, not exceeding six thousand six hundred dollars per annum; administrative secretary, not exceeding four thousand eight hundred dollars per annum; three special safety inspectors, not to exceed five thousand four hundred dollars per annum each; inspectors, not to exceed five thousand four hundred dollars per annum; secretary, not exceeding four thousand two hundred dollars per annum; and stenographer, not to exceed four thousand two hundred dollars per annum, except that the two stenographers who act as office managers in the two branches shall receive a salary not to exceed four thousand five hundred dollars per annum; statistician, not to exceed six thousand six hundred dollars per annum. Such compensation shall be paid the janitor as is fixed by the director, not to exceed the sum of two hundred dollars per month for the time employed.】

【291.050. The director of the inspection section, his deputies, inspectors and other assistants and appointees shall be entitled to their actual traveling expenses when traveling within the state of Missouri on necessary business of the inspection section, which said expenses shall be paid on itemized accounts,】



approved by the director as other sectional expenses are approved and paid.]

[291.060. 1. The director of the inspection section may divide the state into districts, assign one or more deputy inspectors to each district, and may, at his discretion, change or transfer them from one district to another.]

2. It shall be the duty of the director, his assistants or deputy inspectors, to make not less than two inspections during each year of all factories, warehouses, office buildings, freight depots, machine shops, garages, laundries, tenement workshops, bakeshops, restaurants, bowling alleys, pool halls, theaters, concert halls, moving picture houses, or places of public amusement, and all other manufacturing, mechanical and mercantile establishments and workshops. The last inspection shall be completed on or before the first day of October of each year, and the director shall enforce all laws relating to the inspection of the establishments enumerated heretofore in this section, and prosecute all persons for violating the same. Any municipal ordinance relating to said establishments or their inspection shall be enforced by the director.]

3. The director, his assistants and deputy inspectors, may administer oaths and take affidavits in matters concerning the enforcement of the various inspection laws relating to these establishments; provided, that the provisions of this section shall not apply to mercantile establishments that employ less than ten persons that are located in towns and cities that have three thousand inhabitants or less.]

[291.065. The director may adopt, amend or rescind rules and regulations necessary to implement any of the provisions of this law; provided, however, that no such rule or regulation shall be adopted except after a public hearing before the labor and industrial relations commission to be held after thirty days prior notice by public advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Thereafter, subject to the provisions of chapter 536, such rules and regulations are to become effective ten days after their approval by the commission, and after copies thereof have been filed in the office of the secretary of state. The adoption, amending or rescinding of rules and regulations relating to the internal management of the section shall not require prior approval of the labor and industrial relations commission, nor public hearing to become effective.]

[291.070. The inspection section shall collect, assort and systematize statistical details and information relating to the commercial, industrial, social, educational and sanitary conditions of the laboring classes of the state and to the permanent prosperity of the productive industries of the state.]

[291.080. The director of the inspection section is hereby directed to collect any information he may deem necessary to carry out the objects of the department as set forth in section 291.070, and is hereby authorized to furnish suitable blanks to managers of public service corporations, county, city and township officers, and to the officers of prisons, penal and reformatory institutions, and it shall be the duty of all such managers and officers to furnish such information as the director may require and which may be in their possession with the least possible delay.]

[291.120. The labor and industrial relations commission of Missouri, with the assistance of the director of the inspection section of the department of labor and industrial relations shall, on or before the first day of February of each year, present a report in writing to the governor, which shall contain statistical details relating to the operation of the section under sections 196.270 to 196.305, and chapters 290, 292 and 421, including such information as is contemplated by section 291.070.]

[291.130. 1. The owner, superintendent, manager or other person in charge of every establishment inspected as provided by law shall pay to the state director of revenue the following fee for each inspection made in accordance with the provisions of sections 196.270 to 196.305, and chapters 292 and 421, or elsewhere authorized or required of said inspector by law to be made:

(1) For the inspection of every building or shop in which ten or less persons are employed or found at work, no charge shall be made;

(2) For the inspection of every building or shop in which more than ten and not exceeding fifteen persons are employed, the sum of three dollars;

(3) For the inspection of every building or shop in which more than fifteen and less than twenty-five persons are employed, the sum of four dollars;

(4) For the inspection of every building or shop in which more than twenty-five persons and less than fifty persons are employed, the sum of five dollars; and

(5) In every building or shop in which more than fifty persons are employed an additional fee of one dollar shall be charged and collected for every fifty additional persons employed, or any additional fraction thereof, and the fee herein provided for shall be due immediately upon completion of the inspection.

2. The owner, superintendent, manager or other person in charge of any establishment at the time of inspection shall furnish the inspector making the inspection a true statement of the number of persons employed in the establishment at the time of inspection, and any owner, superintendent, manager or other person in charge who fails or refuses to furnish such statement, or understates the number of persons employed in the establishment at the time of inspection, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

3. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether acting for himself or for the firm or corporation, or by himself or through subagents or foreman, superintendent or manager, who refuses or attempts to prevent the admission of any inspector authorized by this chapter, upon or within the premises or building of any establishments or place which he is required by law to inspect at any reasonable business hour, or during working hours or in any manner interferes with the performance of the official duties of the inspector, or neglects or refuses to pay the inspection fee upon the completion of the inspection, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense; except, that the owner or manager of any establishment inspected shall not be required to pay for more than two inspections between the first day of October of one year and thirtieth day of September of the next year, unless through noncompliance with the written orders of the inspector, additional inspections are necessary.]

[291.140. The director of the inspection section shall make an investigation of all accidents serious enough to require physical rehabilitation, under the provisions of the state board of rehabilitation, and make safety recommendations to the employers of the injured employees.]

[291.150. The director shall also make and submit to the governor on or before the last Monday in January in each year, a report containing a full and complete account of the

investigations, together with any other suggestions and recommendations he considers to be of value to the people of the state, which shall be laid before the next succeeding general assembly.]